



General Assembly

Substitute Bill No. 996

January Session, 2005

* _____ SB00996AGEPH_031505 _____ *

AN ACT CONCERNING NURSING HOME STAFFING LEVELS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-522 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 (a) The commissioner shall adopt regulations, in accordance with
4 chapter 54, concerning the health, safety and welfare of patients in
5 nursing home facilities, classification of violations relating to such
6 facilities, medical staff qualifications, record-keeping, nursing service,
7 dietary service, personnel qualifications and general operational
8 conditions. The regulations shall: (1) Assure that each patient admitted
9 to a nursing home facility is protected by adequate immunization
10 against influenza and pneumococcal disease in accordance with the
11 recommendations of the National Advisory Committee on
12 Immunization Practices, established by the Secretary of Health and
13 Human Services; (2) specify that each patient be protected annually
14 against influenza and be vaccinated against pneumonia in accordance
15 with the recommendations of the National Advisory Committee on
16 Immunization; and (3) provide appropriate exemptions for patients for
17 whom such immunizations are medically contraindicated and for
18 patients who object to such immunization on religious grounds.

19 (b) (1) As used in this subsection, "direct care" means hands-on-care
20 provided to residents of nursing home facilities, including, but not

21 limited to, feeding, bathing, toileting, dressing, lifting and moving
22 such residents, but does not include food preparation, housekeeping or
23 laundry services, except when such services are required to meet the
24 needs of any such resident on an individual situational basis. Direct
25 care shall not include care provided by paid feeding assistants, as
26 defined in 42 CFR 488.301.

27 (2) The Department of Public Health may, in accordance with the
28 provisions of section 19a-494, take disciplinary action against a nursing
29 home facility that without just cause, has substantially failed to comply
30 with the direct care provider levels prescribed in this section. The
31 department may, in accordance with the provisions of section 19a-494,
32 revoke or suspend the license of a nursing home facility if the
33 department determines that such facility has engaged in a continuous
34 pattern of failing to comply with the direct care provider staffing levels
35 prescribed in this section.

36 (3) (A) For the period from January 1, 2006, to December 31, 2006,
37 each nursing home facility shall maintain direct care provider staffing
38 levels at or above the following levels:

39 (i) During the day shift, one full-time employee for each ten
40 residents;

41 (ii) During the evening shift, one full-time employee for each fifteen
42 residents; and

43 (iii) During the night shift, one full-time employee for each twenty
44 residents.

45 (B) For the period from January 1, 2007, to December 31, 2007, each
46 nursing home facility shall maintain direct care provider staffing levels
47 at or above the following levels:

48 (i) During the day shift, one full-time employee for each seven
49 residents;

50 (ii) During the evening shift, one full-time employee for each twelve

51 residents; and

52 (iii) During the night shift, one full-time employee for each
53 seventeen residents.

54 (4) The direct care provider staff levels specified in subdivision (3)
55 of this subsection prescribe minimum direct care provider staffing
56 levels for a nursing home facility. Where an acuity system approved by
57 the Department of Public Health and adopted by a nursing home
58 facility indicates that additional direct care provider staff is required,
59 the nursing home facility shall staff at the higher staffing level. Not
60 later than January 1, 2007, the Department of Public Health shall
61 report, in accordance with section 11-4a of the general statutes, on the
62 effectiveness of the minimum staffing levels prescribed in subdivision
63 (3) of this subsection and shall offer recommended changes to such
64 minimum staffing levels to the joint standing committees of the
65 General Assembly having cognizance of matters relating to public
66 health and human services and the select committee on aging. The
67 department shall also report on the use of acuity systems as a basis for
68 determining minimum staffing levels.

69 (5) Any licensed nursing home facility that fails to comply with the
70 minimum staffing requirements of subdivision (3) of this subsection on
71 any day shall submit a report to the department, identifying the day
72 and the shift during which such noncompliance occurred and
73 specifying the reasons for and circumstances surrounding such
74 noncompliance. The report required by this subdivision shall be
75 submitted on a quarterly basis. If such facility fails to submit the report
76 required by this subdivision or intentionally misrepresents the
77 information contained in any such report, or if the commissioner
78 determines that there is sufficient evidence to support a finding that
79 there exists a pattern of noncompliance by such facility with the
80 minimum staffing requirements of subdivision (3) of this subsection,
81 the commissioner may take action against such facility in accordance
82 with sections 19a-524 to 19a-528, inclusive.

83 [(b)] (c) Nursing home facilities may not charge the family or estate
 84 of a deceased self-pay patient beyond the date on which such patient
 85 dies. Nursing home facilities shall reimburse the estate of a deceased
 86 self-pay patient, within sixty days after the death of such patient, for
 87 any advance payments made by or on behalf of the patient covering
 88 any period beyond the date of death. Interest, in accordance with
 89 subsection (a) of section 37-1, on such reimbursement shall begin to
 90 accrue from the date of such patient's death.

91 (d) The Commissioner of Public Health shall adopt regulations, in
 92 accordance with the provisions of chapter 54, to specify the policies
 93 and procedures that the department will utilize to approve the acuity
 94 system of a nursing home facility.

95 Sec. 2. Section 17b-340 of the general statutes is amended by adding
 96 subsection (j) as follows (*Effective January 1, 2006*):

97 (NEW) (j) Notwithstanding the provisions of this section, the
 98 Commissioner of Social Services shall reimburse nursing home
 99 facilities for the actual, allowable costs for direct care and indirect care
 100 at ninety-five per cent of actual allowable costs. For nursing home
 101 facilities in which Medicaid accounts for more than ninety per cent of
 102 patient days, the commissioner shall reimburse such facilities for an
 103 additional five per cent of allowable costs, excluding property and
 104 capital.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005</i>	19a-522
Sec. 2	<i>January 1, 2006</i>	17b-340

AGE *Joint Favorable Subst. C/R*

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